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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
LEEVEVERETT HALL,)
)
)
Defendant.)

No. CR 10-550 RS

**[PROPOSED] ORDER OF DETENTION
OF DEFENDANT LEEVEVERETT HALL**

The defendant Leeverett Hall came before this Court on July 23, 2010, for a detention hearing. The defendant was present and represented by Assistant Federal Public Defender, Ms. Jodi Linker. Assistant United States Attorney Benjamin Tolkoff represented the United States.

The government requested detention, submitting that no condition or combination of conditions of release would reasonably assure the safety of the community or assure the defendant's presence as required.

Pretrial Services submitted a report recommending detention of the defendant on the grounds of danger to the community.

1 Upon consideration of the Pretrial Services report, the court file and the party proffers as
2 discussed below, the Court finds by clear and convincing evidence that the defendant poses a
3 danger to the community and that no conditions could reasonably assure the safety of the
4 community. The Court orders the defendant detained.

5 The present order supplements the Court's findings at the detention hearing and serves as
6 a written findings of fact and statement of reasons as required by 18 U.S.C. § 3142(i).

7 The Bail Reform Act of 1984, 18 U.S.C. §§ 3141-50, sets forth the factors which the
8 Court must consider in determining whether pretrial detention is warranted. In coming to its
9 decision, the Court has considered those factors, paraphrased below:

10 (1) the nature and seriousness of the offense charged;

11 (2) the weight of the evidence against the person;

12 (3) the history and characteristics of the person including, among other considerations,
13 employment, past conduct and criminal history, and records of court appearances; and

14 (4) the nature and seriousness of the danger to any person or the community that would
15 be posed by the person's release.

16 18 U.S.C. § 3142(g).

17 The defendant is charged with one count of violating 18 U.S.C. § 922(g)(1) (felon in
18 possession of a firearm). The instant charge stems from an incident on or about March 23, 2010.
19 San Francisco Police officers of were investigating a report of an assault in the Bayview
20 neighborhood of San Francisco. The officers were given a description of a suspect and saw the
21 defendant, who matched that description. The officers called to the defendant telling him they
22 wanted to talk to him. Upon seeing the officers, the defendant fled. During the course of his
23 flight, the defendant discarded a loaded firearm. The defendant was subsequently arrested and
24 made a confession to possession of the firearm. The defendant is reported to be a validated
25 member of the "Bloods," a violent street gang.

26 In considering all of the facts and proffers presented at the hearing, the Court finds the
27 following factors among the most compelling in reaching its conclusion that no combination of
28 conditions could reasonably assure the safety of the community if the defendant were released:

 First, despite the defendant's youth, he has suffered a great number of arrests and
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1 convictions. He was first convicted of a misdemeanor sex offense - which charge stemmed from
2 a rape allegation - while in his adolescence. Although the defendant was very young at the time
3 of this offense, he has consistently been in trouble with the law for the intervening nine years.
4 The defendant has a number of juvenile offenses, including an attempted escape from a
5 corrections facility. Upon reaching adulthood, the defendant suffered three convictions in short
6 succession, one for narcotics possession, one for gang affiliation and as recently as January
7 2010, a conviction for forcing another to commit an act of prostitution. The defendant's gang
8 affiliation conviction stemmed from an incident where the defendant was arrested for shooting
9 into an inhabited dwelling. The defendant was on probation in two independent matters at the
10 time he allegedly committed the instant offense.

11 The defendant's medical records reflect that he has been both shot and stabbed.
12 Although he appears to have been a victim in those incidents, the report raises serious concern
13 for the Court that the defendant is closely related to street violence and gun violence in
14 particular.

15 The pretrial services report and the proffer of government counsel reflects that defendant
16 is not amenable to the supervision of the Court and a danger to the community.

17 These factors, among others adduced at the hearing, demonstrate by clear and convincing
18 evidence that the defendant is a danger to the community.

19 Accordingly, pursuant to 18 U.S.C. § 3142(I), IT IS ORDERED THAT:

20 (1) the defendant is committed to the custody of the Attorney General for confinement in
21 a corrections facility;

22 (2) the defendant be afforded reasonable opportunity for private consultation with his
23 counsel; and,

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(3) on order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

Dated: 7/27/10

A handwritten signature in blue ink, consisting of stylized, flowing letters that appear to read 'N. J. Vadas'.

HONORABLE NANDOR J. VADAS
United States Magistrate Judge